

HYPOTHETICALS

1. It is well known that the new Director of your agency has been in a romantic relationship, for the past 5 years, with a prominent network newscaster, with whom he cohabits. (Although he is married, his wife has been in a coma for 10 years and is not expected to recover). Your agency has some limited regulatory authority over the television and radio broadcasting industry. The Director asks you about the propriety of accepting several gifts and invitations that he has recently received. What advice do you give?

a. The law firm in which the Director's wife is a partner has invited him to attend the firm's winter retreat in Cancun. The firm sometimes represents parties before your agency. Although the Director's wife has not worked in 10 years, she is still considered a partner in the firm, and the firm always invites all partners and their spouses (or significant others) to the retreat. He asks if he can attend.

b. The Director's significant other, who recently received a prestigious award, is being honored by her network at a small dinner that will be attended by the network's top officials. The dinner, which will be held at the Inn at Little Washington, likely will cost several hundred dollars per person. The network has asked the Director to attend, gratis, as his significant other's date.

c. The Director asks you about two congratulations gifts that he has received in honor of his Presidential appointment. His brother-in-law, who owns a local radio station, gave him a set of Redskins season tickets. His significant other gave him a very expensive, antique Tiffany's desk lamp. He asks whether he can keep these gifts and, if so, whether he must report them on his financial disclosure report.

2. Two new Commissioners have recently been appointed at your agency and they ask you to give them an ethics briefing. During the course of the briefing, you discover that one of the new Commissioners is married and that the other is in a long-term, cohabiting, marriage-like relationship. Each Commissioner's spouse/partner works for a company that is subject to the agency's jurisdiction. The Commissioners ask the following questions about potential conflicts of interest. What advice do you give?

a. Each Commissioner's spouse/partner owns stock individually. The Commissioners ask how these stock holdings will affect their ability to work on any agency matters, and whether these interests should be included on Schedule A of their new entrant SF-278s.

b. Each Commissioner's spouse/partner owns shares in a stock that the agency prohibits its employees and their spouses from holding. They ask whether these holdings have to be divested. They also ask about the possibility of receiving certificates of divestiture.

c. The Commissioners ask how their spouse/partner's jobs with companies that are subject to the agency's jurisdiction will affect their ability to work on matters involving those companies.

3. All five of the Assistant Secretaries in the Department of the Exterior were invited to attend the annual convention of a major trade association in Hawaii. Each also was invited to bring a guest. The trade association has offered to reimburse the agency for the airfare and lodging expenses of the Assistant Secretaries and their guests. The Assistant Secretaries and their guests also have been invited to attend the association's huge keynote dinner, which will be one of the convention's highlights. Three of the Assistant Secretaries are married and would like to bring their spouses. One is in a long-term, cohabiting, marriage-like relationship and would like to bring his significant other. The fifth would like to bring his 17-year old son.

a. Can the Department accept the offered airfare reimbursement for the Assistant Secretaries and their guests? What about the lodging reimbursement?

b. Can the Assistant Secretaries and their guests attend the keynote dinner?

c. Hypothetically, if the trip in question was UNRELATED to the Commissioners' official duties, the trade association was NOT a prohibited source, and the Commissioners took the trip on their own time, could they receive direct reimbursement for their and their guests' travel expenses? If so, what financial disclosure reporting obligations would result?